THE HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION NO.11335 OF 2001

Between

Koona Mohan Rao

…Petitioner

vs.

Union of India, rep. By its Secretary, Ministry of Personnel Public Grievance, New Delhi and two others.

…Respondents.

THE HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION NO.11335 OF 2001

ORAL ORDER

The petitioner is a former judicial member of the Andhra Pradesh Administrative Tribunal. Seeking dearness relief on pension sanctioned in respect of the service rendered by the petitioner as a member (judicial) in the Andhra Pradesh Administrative Tribunal and aggrieved by the withholding of such dearness relief, the petitioner filed W.P.No.21930 of 1998. He also claimed interest on that dearness relief due and unpaid, @ 18%. The writ petition was allowed by the judgment 05-07-2000 of this Court directing the respondents determining the petitioner's entitlement to dearness relief and directing the respondents to release the dearness relief on the pension drawn by the petitioner as member of Andhra Pradesh Administrative Tribunal within a period of two (2) months from the date of receipt of a copy of this Court's order. The judgment of this Court was, however, silent on the petitioner's claim for interest. Therefore, it must be presumed and compellingly inferred that this Court declined the petitioner's claim for grant of interest. The petitioner did not canvas the correctness of the judgment of the learned single Judge to the extent that there was implied rejection of his claim for interest. The judgment of the learned single Judge has become final. He has now filed the writ petition claiming interest on the dearness relief belatedly paid pursuant to the judgment of the learned single Judge. The claim of the petitioner is barred by *res judicata*.

The writ petition accordingly fails and is dismissed. No order as to costs.

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GODA RAGHURAM,J

27th SEPTEMBER 2005

*TSNR